

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KATHRYN TOWNSEND GRIFFIN, HELEN :  
MCDONALD, and THE ESTATE CHERRIGALE :  
TOWNSEND, :

Plaintiffs, :

-against- :

EDWARD CHRISTOPHER SHEERAN, p/k/a ED :  
SHEERAN, ATLANTIC RECORDING :  
CORPORATION d/b/a ATLANTIC RECORDS, :  
SONY/ATV MUSIC PUBLISHING, LLC and :  
WARNER MUSIC GROUP CORPORATION :  
d/b/a ASYLUM RECORDS, :

Defendants. :  
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Docket No. 17-cv-5221 (RJS)

**DECLARATION OF  
PATRICK R. FRANK**

Patrick R. Frank declares that the following statements are true:

1. I am a partner at Frank & Rice, P.A., counsel for the plaintiffs in this action. I have personal knowledge of, and am fully familiar with, the facts set forth in this Declaration. I respectfully submit this Declaration in opposition to defendants' motion for summary judgment, seeking to dismiss the Complaint of the plaintiffs, and to put before the Court certain documents and materials which are referenced in the accompanying papers.

2. Annexed as Exhibit 1 is the C.V. of Dr. Alexander Stewart referenced in his declaration.

3. Annexed as Exhibit 2 is a true and correct copy of a disc containing Audio Exhibit 1 (Let's Get It On demo version) and Video Exhibit 1 (Ed Sheeran live medley available at <https://www.youtube.com/watch?v=RxZjVZKVN7k>).

4. Annexed as Exhibit 3 is a true and correct copy of Dr. Lawrence Ferrara's musicology report from 2015.

5. Annexed as Exhibit 4 is a true and correct copy of Dr. Stewart's transcribed score of Let's Get It On referenced in the Stewart Declaration.

6. Annexed as Exhibit 5 is a true and correct copy of sheet music for Thinking Out Loud with descending bass notes marked referenced in the Stewart Declaration.

7. Annexed as Exhibit 6 is a true and correct copy of a transcribed score of Thinking Out Loud referenced in Dr. Alexander Stewart's Declaration.

8. Annexed as Exhibit 7 is a musicology report dated June 9, 2015 by Dr. Alexander Stewart referenced in the Stewart Declaration.

9. Annexed as Exhibit 8 is a true and correct copy of the excerpts from book, The Funkmasters, referenced in Dr. Alexander Stewart's Declaration.

10. Annexed as Exhibit 9 is the liner notes from the album, Let's Get It On (Deluxe Edition) referenced in the Stewart Declaration.

11. Annexed as Exhibit 10 is Dr. Stewart's transcription of the lyrics from March 12, 1973 demo of Let's Get It On referenced in the Stewart Declaration.

12. Annexed as Exhibit 11 is a true and correct copy of excerpts of the deposition of Dr. Alexander Stewart.

13. Annexed as Exhibit 12 is a true and correct copy of excerpts of the deposition of Ed Sheeran.

14. Annexed as Exhibit 13 is a copy of an e-mail from Ed Sheeran to his manager dated April 1, 2015.

15. Annexed as Exhibit 14 is a copy of Dr. Stewart's December 8, 2017 Report.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: September 7, 2018

  
A handwritten signature in black ink, appearing to be 'P. Frank', is written above a horizontal line. The signature is stylized with a large 'P' and a cursive 'F'.

PATRICK FRANK